

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DWIGHT LAMAR SANDERS,

Movant,

V.

**Civil Action No. 4:16-CV-502-P
(Criminal No. 4:95-CR-092-P(1))**

UNITED STATES OF AMERICA,

Respondent.

**ORDER LIFTING STAY, REOPENING CASE and
DIRECTING the FILING OF SUPPLEMENTAL BRIEFING**

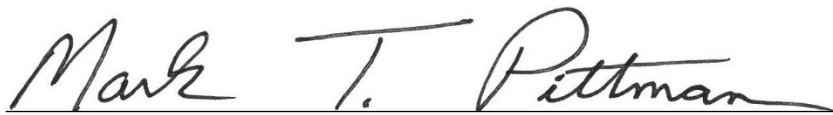
On August 28, 2019, the Court entered an order staying and administratively closing this civil case brought under 28 U.S.C. § 2255 to await the outcome of the then-pending appeal in *United States v. Herrold*, No. 14-11217 (5th Cir.). The Fifth Circuit has since issued its opinion in *United States v. Herrold*, 941 F.3d 173 (5th Cir. 2019), holding that Texas burglary convictions qualify as generic burglary under the Armed Career Criminal Act. The Supreme Court has denied a petition for certiorari, ensuring the finality of *Herrold*. *See Herrold v. United States*, 141 S. Ct. 273 (2020).

Based on the finality of *Herrold*, the Court finds that it must withdraw the stay in this case, reopen the proceedings, and request supplemental briefs from the parties.

It is therefore **ORDERED** that the previously issued stay is lifted and this case is reopened.

It is further **ORDERED** that the government shall file any supplemental response to the motion under § 2255 addressing the effect of *Herrold*, and any other updated matters, by no later than **March 2, 2022**. Movant Sanders shall file any supplemental reply by no later than thirty days after the filing of the supplemental response.

SO ORDERED this **2nd day** of **February, 2022**.

A handwritten signature in black ink that reads "Mark T. Pittman". The signature is written in a cursive style with a horizontal line underneath the name.

Mark T. Pittman

UNITED STATES DISTRICT JUDGE